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INTELLECTUAL PROPERTY LAW

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**FACSIMILE TRANSMITTAL SHEET**

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<b>To:</b>	<b>FROM:</b> Thomas L. Evans
<b>COMPANY:</b> U.S. Patent and Trademark Office	<b>DATE:</b> January 20, 2004
<b>FAX NUMBER:</b> 703-872-9306	<b>TOTAL NO. OF PAGES (INCLUDING COVER SHEET):</b> 14
<b>YOUR REFERENCE No.:</b> App. No. 10/644,900	<b>OUR REFERENCE (C/M) No.:</b> 003797.00620
<b>RE:</b> Information Disclosure Statement, Statement Under 37 C.F.R. 1.704(d), Copy of International Search Report, and Letter Regarding Related Applications	
<i>If you do not receive all page(s) or have any problems receiving this transmission, please call:</i>	
<b>NAME:</b> Tom Evans / Karolyn	<b>PHONE:</b> (503) 425-6800

**COMMENTS:**

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JAN 27 2004

**OFFICIAL**

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CHICAGO

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PTO/SB/97 (05-03)

Approved for use through 04/30/2003, OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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on January 20, 2004.

Date



Signature

Thomas L. Evans, Reg. No. 35,805

Typed or printed name of person signing Certificate

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Information Disclosure Statement  
Statement Under 37 C.F.R. 1.704(d)  
Copy of International Search Report  
Letter Regarding Related Applications

Atty. Docket No. 003797.00620

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 27 2004

OFFICIAL

Atty. Docket No.  
003797.00620

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Jamie WAKEAM ET AL.

Examiner: TBA

U.S. Pat. App. No.: 10/644,900

Group Art Unit: TBA

Filed: August 21, 2003

For: ELECTRONIC INK PROCESSING

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to their duty of disclosure under 37 C.F.R. §1.56, Applicants bring the following documents to the attention of the Examiner in the above-identified patent application:

- (1) U.S. Patent Application Publication No. 2002/0085002 A1 to Lamping et al., published July 4, 2002;
- (2) U.S. Patent Application Publication No. 2002/0191452 A1 to Fujihara, published December 19, 2002; and
- (3) U.S. Patent No. 6,377,259 B2 to Tenev et al., issued April 23, 2002.

A PTO-1449 form is included herewith listing these documents. Since this application was filed after June 30, 2003, copies of the references are not included herewith. These documents were cited in an International Search Report in a related case, a copy of which is attached.

U.S. Pat. App. No.: 10/644,900  
Atty. Docket No.: 0037897.00620

The International Search Report is in English. Therefore, Applicants respectfully urge that further comment is unnecessary in accordance with 37 C.F.R. 1.98(a)(3). However, Applicants respectfully point out that the International Search Report classifies these documents in category Y.

Applicants believe that no fees are required for the Examiner's consideration of the documents listed in this Information Disclosure Statement. If, however, the Commissioner deems that any fees are necessary for the filing of this Information Disclosure Statement, then the Commissioner is authorized to charge said fees to Deposit Account No. 19-0733.

It is respectfully requested that the documents listed above be considered by the Examiner in the above-identified patent application and that they be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent that may issue from this application.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans  
Thomas L. Evans, Reg. No. 35,805  
1001 G Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000  
Facsimile: (202) 824-3001

January 20, 2004

Atty. Docket No.  
003797.00620

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Jamie WAKEAM ET AL.

Examiner: TBA

U.S. Pat. App. No.: 10/644,900

Group Art Unit: TBA

Filed: August 21, 2003

For: ELECTRONIC INK PROCESSING

**STATEMENT UNDER 37 C.F.R. §1.704(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.704(d), Applicants hereby state that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

BANNER & WITCOFF, LTD.

January 20, 2004

By: \_\_\_\_\_

*Thomas L. Evans*

Thomas L. Evans, Reg. No. 35,805  
1001 G Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000  
Facsimile: (202) 824-3001

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for Form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete If Known</b>			
		Application Number	10/644,900		
		Filing Date	August 21, 2003		
		First Named Inventor	Jamie Wakeam et al.		
		Group Art Unit			
		Examiner Name	TBA		
Sheet		of		Attorney Docket Number	003797.00620

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		2002/0085002 A1	07-04-2002	Lamping et al.	
		2002/0191452 A1	12-19-2002	Fujihara	
		6,377,259 B2	04-23-2002	Tenev et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## PATENT COOPERATION TREATY

CRG/TLF/  
Int'l

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
WILLIAM F. RAUCHHOLZ  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 2001-4597

003797.00683  
DOCKETED SH

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

DEC 22 2003

Art. 19 due: 2-18-04 (PCT Rule 44.1)  
IDS off 15K due:  
3-18-04

Applicant's or agent's file reference 003797.00683	Date of Mailing (day/month/year)
International application No. PCT/US03/26170	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant MICROSOFT CORPORATION	International filing date (day/month/year) 21 August 2003 (21.08.2003)

RECEIVED

DEC 22 2003

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of receipt of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Heather Hemdon Telephone No. 703-308-5186
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Form PCT/ISA/220 (April 2002)

(See notes on accompanying sheet)

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
 WILLIAM F. RAUCHHOLZ  
 BANNER & WITCOFF, LTD.  
 1001 G STREET, N.W.  
 11TH FLOOR  
 WASHINGTON, DC 2001-4597

PCT

 NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT  
 OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing (day/month/year) <b>18 DEC 2003</b>	
Applicant's or agent's file reference 003797.00683	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/US03/26170	International filing date (day/month/year) 21 August 2003 (21.08.2003)
Applicant MICROSOFT CORPORATION	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22315-1450 Facsimile No. (703) 905-3230	Authorized officer Heather Herndon <i>Heather Herndon</i> Telephone No. 703-905-5186
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Form PCT/ISA/220 (April 2002)

(See notes on accompanying sheet)



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 003797.00683	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 3 below.
International application No. PCT/US03/26170	International filing date (day/month/year) 21 August 2003 (21.08.2003)	(Earliest) Priority Date (day/month/year)
Applicant MICROSOFT CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 27



as suggested by the applicant.



None of the figures



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

Form PCT/ISA/210 (first sheet) (July 1998)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/26170

## Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

## NEW ABSTRACT

A method of reconciling a first data structure with a second data structure that is a subsequently modified version of the first data structure. Initially, each node in the first data structure for which a change has been made to a corresponding node in the second data structure is accessed (step 2701). For each accessed node, a determination is made as to whether the change made to the corresponding node in the second data structure creates a collision with the first data structure (step 2703). If the change made to the corresponding node in the second data structure does not create a collision with the first data structure, then the change is made to the accessed node in the first data structure (step 2705).

Form PCT/ISA/210 (continuation of first sheet(2)) (July 1998)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/26170

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 15/00

US CL : 715/500, 511, 512, 514, 541 345/467

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 715/500, 511, 512, 514, 541 345/467

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
ACM, IEEE, ProQuest

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 6,377,259 B2 (TENEY et al.) 23 April 2002 (23.04.2002), figures 4, 8, cols 4-8.	1-5
Y	US 2002/0191452 A1 (FUJIHARA) 19 December 2002, [0018]-[0020], [0113]-[0180].	1-5
Y	US 2002/0085002 A1 (LAMPING et al.) 04 July 2002 (04.07.2002), all.	1-5

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

## \* Special categories of cited documents:

"A" documents defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" documents which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" documents referring to an oral disclosure, use, exhibition or other means

"P" documents published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

documents of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

documents of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z"

documents member of the same patent family

Date of the actual completion of the international search

09 December 2003 (09.12.2003)

Date of mailing of the international search report

18 DEC 2003

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Authorized officer

Heather Herndon

Telephone No. 703-308-5186

Facsimile No. (703)305-3230

Form PCT/ISA/210 (second sheet) (July 1998)

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

**"Statement under Article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

**Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

**Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.